

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CITY AND COUNTY OF SAN  
FRANCISCO, et al.,

Plaintiffs,

v.

PURDUE PHARMA L.P., et al.,  
Defendants.

Case No. 18-cv-07591-CRB (JSC)

**ORDER RE TRIAL PROTOCOLS  
AND DEADLINES**

On January 28, 2022, the parties submitted a joint statement proposing trial protocols and deadlines. See Joint Statement (dkt. 998). After carefully reviewing the statement, the Court rules as follows.

- Bifurcation and Bench Trial: Plaintiff and Defendants both agree that trial should be bifurcated into liability and damages phases. Joint Statement at 4, 7. In addition, Plaintiff and Defendants have both withdrawn their demands for a jury trial. See Plaintiff's Brief re Mode of Trial (dkt. 386) at 1 ("the People hereby rescind the jury trial demand pled in their First Amended Complaint"); Joint Statement at 7 ("Defendants hereby withdraw their demand for a jury trial [and] waive all right to a jury on either the public nuisance or UCL claim"). Accordingly, trial on the remaining UCL and public nuisance claims will be bifurcated into liability and damages phases and will proceed as a bench trial. Trial on liability is scheduled to begin April 25, 2022. The Court will schedule trial on damages following trial on liability, if necessary. All claims will be

1           tried to the Court as the finder of fact.

- 2           • Motions in limine: Any motion in limine that was subject to a motion in limine
- 3           in the MDL shall state that fact on the first page, state the outcome of the prior
- 4           motion(s), include the prior ruling(s) as the first exhibit to the motion, and
- 5           explain why the outcome here should be different. In the interest of efficiency
- 6           and in light of the extensive prior briefing on evidentiary issues in the MDL, the
- 7           parties shall not file reply briefs to motions in limine.
- 8           • Exhibit Lists: Exhibit lists shall be exchanged on **February 28, 2022**. Branded
- 9           exhibits shall be exchanged on **March 24, 2022**. Only authenticity objections
- 10          need to be exchanged before trial. All other objections may be raised at trial
- 11          when an exhibit is offered as evidence.
- 12          • FRE 1006 Summary Exhibits: All FRE 1006 summary exhibits shall be
- 13          exchanged on **March 24, 2022**. The documents summarized in any FRE 1006
- 14          summary exhibit must be included on the offering party's exhibit list.
- 15          • Witness Lists: Witness lists shall be exchanged on **February 28, 2022**.
- 16          • Livestream: The Court is open to providing a livestream option to permit
- 17          counsel to attend trial remotely. The parties shall meet and confer and submit a
- 18          joint proposal regarding the livestream protocol by **February 18, 2022**.

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20          **Follow Up Joint Statement**

21          The parties shall submit a follow up joint statement regarding trial protocols and

22          deadlines by **February 11, 2022**. The statement shall include an updated trial schedule

23          that reflects the foregoing rulings and shall address any remaining issues.

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25          **IT IS SO ORDERED.**

26          Dated: February 1, 2022



CHARLES R. BREYER  
United States District Judge